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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,743	01/31/2000	James W. Peel JR.	FE-00427	3854

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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,743

Applicant(s)

PEEL ET AL.

Examiner

Cong-Lac Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14, 15, 23, and 24 is/are rejected. 1-9, 14-19, 23-24
- 7) ☒ Claim(s) 10-13 and 16-22 is/are objected to. 10-13, 20-22
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: the application filed on 1/31/00, and the IDS filed on 3/24/00, priority 6/14/99.
2. Claims 1-24 are pending in the case. Claims 1, 14, 16-17, 20, 23-24 are independent claims.

Claim Objections

3. Claims 20-22 are objected to because of the following informalities: regarding claims 20-22, since claim 21 states that "the computer readable medium of claim 20 wherein the computer readable medium is a data signal embodied in a carrier wave" and claim 22 states that "the computer readable medium of claim 20 wherein the computer readable medium is a data signal embodied in a digital data stream", the preamble of independent claim 20 should be changed to be consistent as:

"A computer readable medium comprising computer code for extracting data from a selected menu structure of an electronic media database structure for generating relative addressed Web pages, comprising:"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 16-19 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that

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claims 16-19 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in Paper No. 1 filed 1/31/00. In that paper, applicant has stated that "if the IETM data type for the node or data class is of a procedure type as determined in decision block 1040, then the procedure information is selected from the database in the block 1041 and an HTML file is created for a procedure consisting of table row, table cell tags and checkbox tags in block 1042. Anchor tags may be included to link to the other IETM data types. Any links found within the table information are saved for later processing in block ¹⁰⁴³~~1043~~ and the parsing. If there is an exit, then procedure information for the exited-to procedure is selected in block 1045 and another HTML file is created in block 1042. Otherwise, a test to determine whether the procedure has a decision is performed in decision block 1046. If there is a decision, then the YES portion of the procedure is recursively extracted in 1047 and then the NO portion of the procedure is recursively extracted in block 1048. Otherwise, if there was no decision, then the processing for this node is complete" (**specification, page 15, line 16 to page 16, line 6 and figures 10A-B**). This statement indicates that the invention is different from what is defined in the claim(s) because regarding independent claim 16:

- recursively performing steps (a) to (f) in step (e), substep (3) is not consistent with the specification since the specification only addresses selecting the procedure information from the database (as step b), creating an HTML file for a procedure (as step c), and how their anchor tags should be and saving links found for later processing (as step d) if the data class is of a procedure type. The

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specification does not address to identify whether a data object is of type menu, narrative, graphic, table, or procedure, to select data object information from said DBMS (step a) if the data class is of a procedure type. Also, since it is step (e), performing steps (a) to (f) is an error, and (f) should be (e)

- according to the specification and figure 10B, there is no step (g) of “processing said saved links” and thus step (h) “repeating steps (a) to (g) for each data object in said selected menu structure” is not included

Independent 17 has the same issue as in claim 16.

Dependent claims 18-19 are objected to for fully incorporating the deficiencies of their base claim 17.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-9, 14-15, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleskes (US Pat No. 6,529,910 B1, 3/4/03, filed 9/16/99, priority 9/18/98).

Regarding independent claim 1, Fleskes discloses:

- connecting to a database structure having data defining an electronic media description (col 5, lines 17-36: "the system for generating World Wide Web pages includes a computer software program ... the processor is connected to memory and can *retrieve and process data stored in a database* in the memory..."; col 9, lines 24-47: the hierarchical structure of the organization data for generating a web page implies the media description is defined)
- generating a top level menu of a structure from said electronic media description (col 9, lines 24-47: the structure of the organization data in *hierarchy format* suggests the level menu format for the data since the levels in the hierarchy are the same as the levels in menu format ; col 9, line 43 to col 10, line 11: the master page and the detailed page show the hierarchy relationship or the level menu format of data)
- selecting a menu structure to parse and parsing said selected menu structure (col 9, line 60 to col 10, line 11: selecting an object from the menu list for the child object of the selected object implies that before selecting an object in a

menu list, the menu list should be selected and then parsed for selecting an object in the list)

- generating tagged data relative Web pages from the data in DBMS (col 5, lines 17-36: "the system for *generating World Wide Web pages* includes a computer software program ... the processor is connected to memory and can *retrieve and process data stored in a database* in the memory..." where it was obvious that the data in the generated web page is implemented in the tags of the HTML code file)
- translating and binding the embedded tags to their declarations with a corresponding Web Object Declaration file and binding the values and actions declared in the WOD file to instance variables (col 22, lines 3-35)

Fleskes does not explicitly disclose preserving the hierarchy of the tagged data relative web pages and the original electronic media descriptions in said DBMS.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Fleskes to include preserving the hierarchy of the tagged data relative web pages and the original electronic media descriptions in said DBMS for the following reason. The fact that that the embedded tags in the HTML file are translated, binded to their declarations with a corresponding Web Object Declaration file, and binded the values and actions declared in the WOD file to instance variables suggests preserving the hierarchy of the media data since the structure of the web page is a hierarchical structure thus motivating that the data in the embedded tags of the generated web page would also be in the hierarchical structure.

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Regarding claim 2, which is dependent on claim 1, Fleskes discloses that the hierarchy is preserved by generating links between and among said tagged data relative Web pages which correspond to said original hierarchy of said original electronic media description (col 22, lines 5-35: the HTML elements of the web page shows the links between and among the tagged data of the web pages which corresponding to the original hierarchy of the media since the HTML elements in embedded tags are organized in a hierarchical structure in the HTML page).

Regarding claim 3, which is dependent on claim 1, Fleskes discloses selecting interoperability options (col 6, lines 29-46: user can select options such as review data retrieved from the database, input new data, edit existing data, upload a file, or download a file, etc.).

Regarding claim 4, which is dependent on claim 1, Fleskes discloses converting graphics files to a format selected in the step of selecting interoperability options, wherein a user may choose to convert only graphics files actually referenced in said selected menu structure (col 6, lines 29-46: the fact that the option of editing existing data suggests converting graphics files to a selected format from the option).

Regarding claim 5, which is dependent on claim 1, Fleskes discloses displaying status of generating tagged data relative web pages in real time (col 1, line 66 to col 2, line 32; col 8, line 39 to col 9, line 2).

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Regarding claim 6, which is dependent on claim 1, Fleskes discloses exporting said relative Web pages to be used in a standalone environment (col 3, lines 37-43).

Regarding claim 7, which is dependent on claim 6, Fleskes does not disclose that the step of exporting is performed by sending email web page updates to a user, said user overwriting existing web pages with said web page updates.

Instead, Fleskes discloses that sending emails to other members in the organization sites, inputting data about an organization to create web pages *and using the created web page for updating data about which the page represents* (abstract; col 10, lines 31-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Fleskes to include sending email web page updates to a user, said user overwriting existing web pages with said web page updates for the following reason. Fleskes discloses sending emails to other members in the organization sites thus motivating sending the updated data of a web page by emails to other members in the organization sites, which is also a user, for updating a web page of the related data.

Regarding claim 8, which is dependent on claim 1, Fleskes discloses displaying said tagged data relative Web page using a Web browser (figure 3, #1140; col 8, line 65 to col 9, line 2).

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Regarding claim 9, which is dependent on claim 1, Fleskes discloses that the tagged data relative Web pages are coded in one of the languages selected from the group consisting of Standard Generalized Markup Language (SGML), eXtensible Markup Language (XML) and HyperText Markup Language (HTML) (col 11, lines 24-45: “.. when selected for a web page generated by the application disclosed herein, the HTML of the dynamically generated page will be output...” where HTML is one of the languages selected from the group of SGML, XML and HTML).

Claims 14-15 are for an apparatus of method claims 1 and 6, and are rejected under the same rationale.

Claims 23-24 are for a computer data signal embodied in a carrier wave and in a digital data stream of method claim 1, and are rejected under the same rationale.

Allowable Subject Matter

9. Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 16-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

11. Claims 20-22 would be allowable if rewritten or amended to overcome the objections, set forth in this Office action.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eyal (US Pat No. 6,389,467, 5/14/02, filed 5/2/00, priority 1/24/00).

Marcos et al. (US Pat No. 6,429,880 B2, 8/6/02, filed 4/25/01, priority 4/14/97).

Graham (US Pat No. 6,581,061 B2, 6/17/03, filed 1/2/02, priority 2/13/97).

Graham (US Pat No. 6,343,302, 1/29/02, filed 2/13/97).

McGee (US Pat No. 6,393,468 B1, 5/21/02, filed 3/18/98).

Halstead et al. (US Pat No. 6,363,392 B1, 3/26/02, filed 10/16/98).


Robbins et al. (US Pat No. 6,532,463 B1, 3/11/03, filed 12/1/98).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh
10/24/03


JOSEPH H. FEILD
PRIMARY EXAMINER